



Australian Capital Territory

# Co-operatives National Law (ACT) Regulation 2017

Subordinate Law SL2017-11

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The Australian Capital Territory Executive makes the following regulation under the *Co-operatives National Law (ACT) Act 2017*.

Dated 28 April 2017.

SHANE RATTENBURY  
Minister

GORDON RAMSAY  
Minister

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**1 Name of regulation**

This regulation is the *Co-operatives National Law (ACT) Regulation 2017*.

**2 Commencement**

This regulation commences on the commencement of the *Co-operatives National Law (ACT) Act 2017*, section 3.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**5 Unsuitable names for co-operatives—the Law, s 220 (5), the regulation, reg 3.7**

For the *Co-operatives National Law (ACT)*, section 220 (5) (Name to include certain matter) and the *Co-operatives National Regulation (ACT)*, regulation 3.7 (Unsuitable names for co-operatives), a name is unsuitable if the Registrar is satisfied that it is likely to mislead.

**6 Exemption from restriction on corporations registering name including word ‘co-operative’ or similar words—the Law, s 220 (7)**

For the *Co-operatives National Law (ACT)*, section 220 (7), a corporation is exempt from that Law, section 220 (4) if the corporation is—

- (a) a company that is permitted to use the expression ‘building society’, ‘credit union’ or ‘credit society’ under the *Banking Act 1959* (Cwlth), section 66 (Restriction on use of certain words and expressions); or
- (b) a company that is a friendly society under the *Life Insurance Act 1995* (Cwlth), section 16C (What is a friendly society?); or
- (c) a company or society formed or incorporated under an Act before 5 June 2003; or

*Note* 5 June 2003 is the day the *Cooperatives Act 2002* commenced.

- (d) allowed under an Act to use any of the following words in its name:
  - (i) ‘co-operative’;
  - (ii) ‘co-op’;
  - (iii) ‘cooperative’;
  - (iv) ‘coop’; or
- (e) exempted, in writing, by the Registrar from the operation of the *Co-operatives National Law (ACT)*, section 220 (4).

## 7 Exemption from restriction on use of word ‘co-operative’ or similar words—the Law, s 225 (2)

For the *Co-operatives National Law (ACT)*, section 225 (2), a person is exempt from that Law, section 225 (1) if the person is—

- (a) a company that is permitted to use the expression ‘building society’, ‘credit union’ or ‘credit society’ under the *Banking Act 1959* (Cwlth), section 66 (Restriction on use of certain words and expressions); or
- (b) a company that is a friendly society under the *Life Insurance Act 1995* (Cwlth), section 16C (What is a friendly society?); or
- (c) a company or society formed or incorporated under an Act before 5 June 2003; or

*Note* 5 June 2003 is the day the *Cooperatives Act 2002* commenced.

- (d) allowed under an Act to use any of the following words in its name:
  - (i) ‘co-operative’;
  - (ii) ‘co-op’;
  - (iii) ‘cooperative’;
  - (iv) ‘coop’; or
- (e) exempted, in writing, by the Registrar from the operation of the *Co-operatives National Law (ACT)*, section 225 (1).

## 8 Application for transfer—the Law, s 403 (b)

For the *Co-operatives National Law (ACT)*, section 403 (b) (Application for transfer) the following legislation is prescribed:

- (a) the *Associations Incorporation Act 1991*;
- (b) the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cwlth);

- (c) any legislation of the Commonwealth that provides for the incorporation of a building society, credit union or friendly society.

**9 Procedures regarding giving of exemptions—  
the Law, s 621**

For the *Co-operatives National Law (ACT)*, section 621 (Procedures regarding giving of exemptions) an application for an exemption must be made—

- (a) in writing; and
- (b) a reasonable time before the event, or the occurrence of the matter, for which the exemption is sought.

**10 Co-operatives may continue to operate under old rules**

- (1) A co-operative may continue to operate under the rules applying to the co-operative that were in force immediately before the commencement of the Act, section 3 (the *old rules*).
- (2) However, if a co-operative is operating under the old rules—
  - (a) if there is an inconsistency between a provision of the old rules and a provision of the new law, the provision of the new law prevails; and
  - (b) a reference in the old rules to a requirement in the *Cooperatives Act 2002* or the *Cooperatives Regulation 2003* (a *former requirement*) is to be read as a reference to the requirement in the new law that substantially corresponds to the former requirement; and
  - (c) a reference in the old rules to—
    - (i) a trading cooperative is to be read as a reference to a distributing co-operative; and



- (ii) a non-trading cooperative is to be read as a reference to a non-distributing co-operative.
- (3) In this section:  
*new law* means the following:
  - (a) the Act;
  - (b) this regulation;
  - (c) the *Co-operatives National Law (ACT)*;
  - (d) the *Co-operatives National Regulation (ACT)*.

## **11 Prescribed fees**

- (1) The fee payable for a matter stated in an item in schedule 1, column 3 is the amount stated in column 4 for the item.
- (2) The fee for the matter stated in an item in schedule 1, column 3 is payable to the Territory by the person requesting the matter.

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## Schedule 1 Prescribed fees

(see s 11)

column 1 item	column 2 section	column 3 matter	column 4 fee (\$)
1	26 (1) (b) (ii)	application for registration of a proposed co-operative	164
2	31 (b) (ii)	application for registration of existing corporation	164
3	37 (b) (ii)	issue of duplicate certificate	41
4	222 (e)	application to use an abbreviation or elaboration of the name of a co-operative	78
5	243 (2) (c) (ii)	filing fee for registration of each special resolution	41
6	601 (1) (a)	inspection of register of co-operatives	24
7	609 (1)	application to the Registrar to grant an extension or shortening of time limits	78

*Note* GST is not applicable to these fees.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- corporation
- Co-operatives National Law (ACT)
- Co-operatives National Regulation (ACT)
- GST
- person (see s 160).

*Note 3* Terms used in this regulation have the same meaning that they have in the [Co-operatives National Law \(ACT\) Act 2017](#) (see [Legislation Act](#), s 148). For example, the following term is defined in the [Co-operatives National Law \(ACT\) Act 2017](#), s 9:

- Registrar.

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## Endnotes

### 1 Notification

Notified under the [Legislation Act](#) on 28 April 2017.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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